

**IDAHO NONPOINT SOURCE MANAGEMENT PLAN
RESPONSIVENESS SUMMARY**



**IDAHO DIVISION OF ENVIRONMENTAL QUALITY
RESPONSE TO COMMENTS**

DECEMBER 1999

TABLE OF CONTENTS

	<u>Page</u>
General Comments	1
Idaho Farm Bureau/Idaho Water Users Association	1
Idaho Cattle Association	1
Idaho Conservation League/Idaho Watersheds Project/Kootenai Environmental Alliance	1
Idaho Department of Lands	2
Additional specific Comments made - by various groups, by chapter	3
Chapter 1	3
Chapter 3	3
Chapter 4	3
Chapter 6	4
Chapter 8	4
Chapter 9	4

GENERAL COMMENTS

Idaho Farm Bureau/Idaho Water Users Association

- As stated the NPS Management Plan is principally intended for use by the various land management agencies to ensure all NPS programs and activities are coordinated and applied consistently statewide. In the interest of the enhancement and protection of water quality IDEQ would be happy to accommodate any interested group or industry to gain their perspectives and partnership on planning and implementation activities.
- It has been primarily left up to the designated agencies for a given sector of industry to inform and update their constituency on those programs and activities that may affect their arena of interest. A greater effort will be made in the future to better inform and include input from those industry groups on the various programs and activities, up front in the process.

Idaho Cattle Association

- The NPS Plan details elements common to both voluntary and regulatory programs and activities. The plan encourages action by all agencies and entities for protection and enhancement of water quality. The goals outlined can be reached through many processes and activities. What may be listed as appropriate for one sector of industry may not be for another, therefore the Plan remains neutral to the mode of implementation. This step is left up to the particular program or designated agency to define according to their program rules and current method of addressing a given issue. Relating to agricultural BMP implementation, the Plan acknowledges that it has been and continues to be voluntary. Additionally the Agricultural Pollution Abatement Plan is recognized as the vehicle for addressing agricultural NPS pollution. Various incentive programs are offered to the general population to encourage and use BMPs as necessary to prevent impacts to, and protect water bodies of the State, their participation is voluntary.

Idaho Conservation League/Idaho Watersheds Project/Kootenai Environmental Alliance

- The IDEQ has committed all available resources to meeting its TMDL and TMDL Implementation Schedules for 303(d) listed stream segments (example: Paradise Creek TMDL Implementation Plan, Appendix G). Additionally it has provided new linkages through many other agencies and groups to focus resources and raise awareness of a groups and entities for the magnitude of the water quality challenges faced by the State, and to gain support for its evolving processes to address those challenges.
- Since adoption of Water Quality Law §39-3601 in 1995, Idaho has made considerable progress in its Statewide efforts to protect and enhance both surface and ground water quality. Important strides have been taken in many areas, and are laid out in the NPS Management Plan, such as:

- With the establishment of Basin and Watershed Advisory Groups, many local entities have taken the initiative and worked in collaboration with the various State and Federal agencies to advance water quality goals. This ongoing BAG/WAG effort has been instrumental in application of BMPs for all categories of NPS impacts throughout the State, thus encouraging a grass roots level awareness for and movement to address water quality issues, while including all Tribes and citizens in those efforts. These groups are open to the public and should be responsive to all resource needs. The challenge is in meeting a common ground for all participants, that works for the long term benefit of the resource. Some efforts have been more productive than others in addressing the real issue of water quality, but the final measure for all activities remains attainment of beneficial uses. This has to happen regardless of the makeup of the BAG/WAG group, and whether or not habitat and flow are addressed within a given TMDL. There are ways to locally address those issues in the context of an Implementation Plan, or other on the ground remediation activities.
- Better refinement and defining of the roles for the various State Designated Agencies.
- Further defining of the overall State process for addressing NPS Pollution with better defined goals and milestones for evaluation of the process.
- Enhanced partnerships to ensure water quality goals are attained, with funding sources identified and targeted to meet those goals.
- Enhanced working relationships and dovetailing of objectives for meeting water quality needs and goals between the State and its Federal partners.
- Enhanced ability for the Designated Agencies to provide BMP and project effectiveness monitoring statewide for input into the BMP feedback loop process (see Appendix E, Agricultural TMDL Action Plan, objective #6).
- Increased funding through the SCC for agriculture, and through EPA §319 directed to provide incentives for implementation of BMPs on NPS impacted waters statewide.
- New programs and increased role in ongoing processes to enhance and protect groundwater.

Idaho Department of Lands

- We (Idaho Department of Lands) recommend revising the plan to clearly identify the linkage between CWE and the development of TMDLs and implementation plans.

Agree. The clarification will be made using the language provided to IDEQ by the IDL.

Additional specific Comments made - by various groups, by chapter

CHAPTER 1

Under Key Agency Roles. There is no mention of the roles the local District Health Departments will play in nonpoint pollution. The District Health Departments play a key role in issuing permits for subsurface sewage disposal. I would guess that between all 7 health districts they would issue more than 7,000 septic disposal permits each year.

Agree. This clarification will be noted in the background section of Chapter 5 under ‘Ground Water.’

CHAPTER 3

Page 48 under IDL mentions the Coordinated Watershed Evaluation Process (CWE) for watershed evaluation. We have a copy of and are familiar with a April 1995 IDL document titled “Forest Practices Cumulative Watershed Effects Process for Idaho”. It is not clear if this is the same document that is mentioned on page 48. It is our understanding that the CWE Process as described in the April 1995 IDL document applies only to creeks and streams where Bull Trou exist.

Clarification is necessary. The CWE Process was incorrectly cited in Chapter 3. The CWE Process provides a direct linkage for developing TMDLs and implementation plans for the forested portions of watersheds on the 303(d) list. To date, IDL, in partnership with the IDEQ has conducted CWE evaluations on approximately eighty 303(d) listed stream segments. IDEQ does intend to use CWE data in developing TMDLs for forested watersheds. In turn, IDL will use this data to identify problem areas within a watershed and develop site specific BMPs for given TMDL implementation plans. Therefore, CWE is considered integral to both development and implementation of TMDLs.

If there will be a final revised document, there should be an indication of how many times the CWE Process has been used by the IDL for proposed timber sales. If the CWE Process applies to all proposed State timber sales, and is mandatory instead of being voluntary, a final revised document should also clarify this issue.

CHAPTER 4

Page 65 discusses effective BMPs in relation to TMDL’s. Before new TMDLs are written for watersheds where logging has taken place, there should be an examination of whether current logging BMPs have in fact prevented damage to the watersheds.

Also, we wish to mention the following two documents because of their importance regarding BMP issues and monitoring of logging activities. These documents should be examined regarding the issue of the effectiveness of current logging BMPs.

Agree. We will add these two documents: (1) Dissmeyer, George, E., 1994, "Evaluating the effectiveness of forestry best management practices in meeting water quality goals or standards," USDA Forest Service, Southern Region, misc. Publication 1520.; (2) MacDonald, Lee, H. and others, 1991, "Monitoring guidelines to evaluate effects of forestry activities on streams in the Pacific Northwest and Alaska," Center for Streamside Studies, University of Washington, EPA 910/9-91-001.

CHAPTER 6

Regarding Idaho NPS rules, pages 92 and 93, examples should be supplied that would show when and where the Director of Health and Welfare has sought immediate injunctive relief to stop or prevent a logging activity that was determined to be an imminent or substantial danger to the environment.

There are no examples no file where injunctive relief has been sought, however there are instances where we have provided notices of intent to do so, in order for the problem to be addressed without going to that extent.

CHAPTER 8

On page 103, in discussing the role of IDEQ with other State agencies, it is stated "The role o IDEQ, ensure that those agencies incorporate the state priorities and processes into their planning and implementation efforts ..." There is no mention of how the other State agencies will implement the IDEQ priorities if there is no funding to perform the work.

Funding is provided by the Nonpoint Source Management Program to proposed projects that meet criteria as set forth by specific goals and objectives set forth in the plan. Concurrently, the understandings of the state agencies and their partners is to incorporate the priorities of the state based on the plan, which is further accomplished through those partners setting aside portions of their own operating budget, use state and federal program funds provided for that purpose, or by some related user/impact fee to mitigate or prevent nonpoint source pollution.

CHAPTER 9

We were unable to locate any discussion of the financial costs associated with Program Revisions or Updates, and the assurances these revisions or updates will in fact occur in the coming years.

Assuming "Program Revisions or Updates" is related to the Idaho Nonpoint Source Management Program, financial costs are directly related to staff time to accommodate necessary revisions and updates. The assurance is one of compliance with criteria set forth by the Clean Water Act and the program administrator, the EPA.